

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

JAIME PEREZ HERNANDEZ
SSN xx-xx-2621
Debtor

Case No. 18-04368 MCF

Chapter 13

MOTION OBJECTING AMENDED PLAN DATED 11/05/2018

TO THE HONORABLE COURT:

COMES NOW creditor **COOP A/C JESUS OBRERO** through its legal representation who respectfully prays:

1. That creditor Coop A/C Jesus Obrero ('Coop') is a secured creditor of the debtor herein.

2. Debtor has amended the Schedule I to include a deduction from his salary as to Coop A/C Jesus Obrero loan guaranteed with the accumulated pension at ASR-PR, so he continues making direct payments to secured claim filed by Coop. (Docket Entry #27)

3. Notwithstanding of the above, debtor's amended plan dated 11/05/2018 has no provision to maintain regular payments directly to Coop (Claim #1); refer to **Section 3.1** of said plan. (Docket entry #29)

4. Also, said amended plan has no provision for the surrender of shares to Coop A/C Jesus Obrero; refer to **Section 3.5**.

5. Section 1325(a)(5) (A) of the Bankruptcy Code, states as follows:

"11 USC §1325 Confirmation of plan

a) Except as provided in subsection (b), the court shall confirm a plan if--

....

(5) with respect to each allowed secured claim provided for by the plan—

(A) the holder of such claim has accepted the plan;..."

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6. Creditor herein objects the confirmation because debtor's plan dated 11/05/2018 has no provide the surrender of shares, and to maintain direct payments as to secured claim #1.

WHEREFORE appearing creditor requests from this Honorable Court to deny the confirmation of debtor's plan.

NOTICE
To all creditors and parties in interest

Within fourteen (14) days after service as evidenced by the certification – and an additional three (3) days pursuant to Fed. R. Bankr. P. 9006(f) if you were served by mail – any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, must serve and file an objection or other appropriate response to this paper with the Clerk's Office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no opposition or other response is timely filed within the time allowed herein, the paper will be deemed unopposed, unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; (3) in the opinion of the Court, the interest of justice otherwise requires.

I HEREBY CERTIFY that on this same date, I electronically filed the present motion with the Clerk of the Court using CM/ECF System which will send notification to: Ms. Monsita Lecaroz Arribas, Esq., ustpreion21.hr.ecf@usdoj.gov; to Mr. Jose R. Carrion Morales, Esq., newecfmail@ch13-pr.com; and to Mr. Roberto Figueroa Carrasquillo, Esq. cmecf@rfclawpr.com; and to all other registered CM/ECF participants in the instant case; and **I FURTHER CERTIFY** that I have mailed by U.S. Postal Service copy of the present

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motion to Mr. Jaime Perez Hernandez, Alturas de Villa del Rey, K6 Calle Espana, Caguas, Puerto Rico 00725.

RESPECTFULLY SUBMITTED in Humacao, Puerto Rico on the 5th day of November 2018.

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